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**KEATING & BENNETT LLP****Fax**

**To:** 1700 Customer Service **From:** Christopher A. Bennett  
**Fax:** (703) 872-9301 **Date:** February 20, 2003  
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**Re:** Power of Attorney Documents **CC:**

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**•Comments: 2<sup>ND</sup> REQUEST**

Application Number	09/539,691
Filing Date	March 31, 2000
First Named Inventor	Takahiro YAMAMOTO
Title	METHOD FOR MATCHING..
Group Art Unit	1732
Examiner Name	S. Staicovici
Attorney Docket Number	36856.927

Dear Sir,

Please find attached the following documents and enter these documents in the above-referenced application:

- Copy of the transmission confirmation of the facsimile dated 08/26/03
- Revocation of Power of Attorney or Authorization of Agent
- Power of Attorney or Authorization of Agent
- Statement under 37 CFR 3.73(b)

Sincerely,



Christopher A. Bennett

(R.N. 46,710)

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant  
application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA)

Application Number	09/539,691
Filing Date	March 31, 2000
First Named Inventor	Takahiro YAMAMOTO
Group Art Unit	1732
Examiner Name	S. Staicovici
Attorney Docket Number	36856.927

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the Patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000) which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s) reply under 37 C.F.R. § 1.116 previously filed on January 2, 2003  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other


**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103© for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)
- b. ☐ Other

**1. Fees** The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

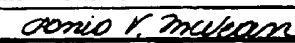
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to  
Deposit Account No. 50-1353
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Christopher A. Bennett	Registration No. (Attorney/Agent)	40710
Signature		Date	February 20, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Sonia V. McVean	Date	February 20, 2003
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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**KEATING & BENNETT LLP**

# Fax

<b>To:</b> Examiner Staicovici	<b>From:</b> Christopher A. Bennett
<b>Fax:</b> 703-872-9311	<b>Date:</b> February 20, 2003
<b>Phone:</b> 703-305-0396	<b>Pages:</b> 5 + 3
<b>Re:</b> 09/539,691 36856.927	<b>CC:</b>

**•Comments:**

Examiner Staicovici,

Please find attached the following documents for U.S. Application No. 09/539,691:

- A Request for Continued Examination (RCE); and
- A Credit Card Form in the amount of \$750.00;
- A Petition for 2-month Extension of Time;
- A Credit Card Form in the amount of \$410.00; and
- A Supplemental Request for Reconsideration.

Respectfully submitted,



Christopher A. Bennett  
for  
KEATING & BENNETT, LLP  
(Reg. No. 46,710)

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2-25-03CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to Group Art Unit 1732, 703-872-9311, addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

Date: February 20, 2003

S. V. McVean  
Sonia V. McVean

PATENT  
36856.927

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takahiro YAMAMOTO et al.

Art Unit: 1732

Serial No.: 09/539,691

Filed: March 31, 2000

Examiner: S. Staicovici

Title: METHOD FOR MACHINING CERAMIC  
GREEN SHEETSSUPPLEMENTAL REQUEST FOR RECONSIDERATION

GROUP 1700

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ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

In response to the Office Action dated October 2, 2002, and further to the Amendment filed on January 2, 2003, please reconsider the above-identified application in view of the following remarks.

In the Advisory Action mailed on January 30, 2003, the Examiner alleged that the Declaration filed on January 2, 2003 under 37 C.F.R. 1.131 is ineffective to overcome the rejection over U.S. Patent No. 6,172,330. The Examiner alleged that the evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country. The Examiner further alleged that under 37 U.S.C. § 1.131(a), "the inventor of the subject matter of the rejected claim" needs to establish that the "invention of the subject matter of the rejected claim" is "prior to the effective date of the reference. Applicants strongly disagree.

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February 20, 2003  
Page 2

The Declaration under 37 C.F.R. § 1.131 was **NOT** filed for the purpose of establishing a reduction to practice, but rather, as clearly described in the Amendment filed on January 2, 2003, for the purpose of establishing that Mr. Yamamoto and Mr. Morimoto, who are inventors in **both** the present application **and** U.S. Patent No. 6,172,330, invented all of the subject matter disclosed in U.S. Patent No. 6,172,330 and relied upon in the prior art rejection of the claims of the present application, as set forth in MPEP 715.01(a). Thus, the Declaration was filed for the purpose of establishing that the invention of U.S. Patent No. 6,172,330 was **NOT** invented "by another".

MPEP 715.01(a) clearly sets forth that a Declaration under 37 C.F.R. § 1.131 or a Declaration under 37 C.F.R. § 1.132 may be used for this purpose.

Accordingly, Applicants respectfully submit that, contrary to the Examiner's allegations, the Declaration under 37 C.F.R. § 1.131 is effective to disqualify U.S. Patent No. 6,172,330 as prior art in the present application. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims over U.S. Patent No. 6,172,330.

In view of the foregoing remarks and the amendments and remarks filed on January 2, 2003, Applicants respectfully submit that Claims 5 and 6 are allowable over the prior art for the reasons described above. Claims 7-10 are dependent upon Claim 5, and are therefore allowable for at least the reasons that Claim is allowable.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this Application is in condition for allowance. Favorable consideration and prompt allowance are respectfully solicited.

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February 20, 2003  
Page 3

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: February 20, 2003

  
Attorneys for Applicant

Joseph R. Keating  
Registration No. 37,368

Christopher A. Bennett  
Registration No. 46,710

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